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**Z-2515**  
**DIANNA HILDERBRAND**  
**R1 to A**

**STAFF REPORT**  
**December 13, 20212**

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**REQUEST MADE, PROPOSED USE, LOCATION:**

Petitioner, who is the owner and represented by attorney Andrew Gutwein, is requesting the rezoning of 2.7 acres, also known as Lot 2, Rubright Subdivision, in order to operate a dog grooming business on property located at 4705 N 250 W, Wabash 35 (NE) 24-5.

**ZONING HISTORY AND AREA ZONING PATTERNS:**

This property, like all surrounding land, is zoned R1, Single-family Residential. The earliest zoning maps indicate this area has been zoned R1 since zoning's inception in the county in 1965. Over the years, there have been several rezones in the area, namely Z-1704, 1463, and 1147, that have rezoned properties in the vicinity from R1 to Agricultural creating spot zones on the west side of CR 250 West. Approximately a half mile south of this site is a large area of FP zoning associated with Hadley Lake and Indian Creek.

**AREA LAND USE PATTERNS:**

A single-family dwelling with a large fenced-in backyard exists on the lot. The adjacent properties also have single-family homes. Along with a large amount of undeveloped wooded area, the existing development pattern in the area is large lots with single-family dwellings accessing the county road. Just northwest of the site in question, on a property that was rezoned to A (Z-1704), is a mini-storage warehouse facility. A half mile south of the property is a commercial green house, just south of that, is Hadley Lake. A small amount of the land around this area is still in crop production.

**TRAFFIC AND TRANSPORTATION:**

CR 250 West is classified as a rural local road. The existing house meets all required setbacks. The business may need to get a change-of-use driveway permit; that decision will be made by the County Highway Department.

The parking standard for a dog grooming business is one parking space per 200 square feet of gross floor area; ample room appears to exist on site for additional parking (over and above the two spaces required for a residence). If this land is rezoned to A, paving of parking and driveways is not required.

**ENVIRONMENTAL AND UTILITY CONSIDERATIONS:**

Petitioner's house, though it is located within the service area for American Suburban Utilities and Indiana American Water, is served by an existing well and septic. The additional use may need to get approval from the County Health Department for waste disposal.

**STAFF COMMENTS:**

Dog grooming (0752) is not permitted in the R1 zone, however it is permitted by right in the A zone. (Kennels are not permitted in the R1 zone and require a special exception in the A zone.) Petitioner has indicated that they want to operate this use as a home occupation. Home occupations are businesses run from a residence that have no employees other than family members living in the house. They are permitted in every district that allows residential uses. The UZO lists several businesses allowed to operate as a home occupation, and lists a few prohibited businesses. Dog Grooming is not mentioned in either list. Since this use is not specifically mentioned it is up to the Administrative Officer (A.O.) to permit the use by finding the characteristics of the operation are:

1. Consistent with the purpose and description of the zone as per Chapter 2 of this ordinance; and
2. Compatible with the permitted primary uses in the zone regarding hours of operation, traffic generation, outdoor lighting, and noise, vibration, dust, odor, glare and heat producing properties.

The County Building Commissioner, who is the Administrative Officer for the County, is currently still working through the details of a home occupation dog grooming business at this particular location. It is likely, after outlining some conditions regarding hours of operation and noise abatement, that he will allow a dog grooming business as a permitted home occupation in the R1 zone on petitioner's 2.7 acre lot. If that is the case, this rezone would be unnecessary.

If the A.O. chooses to not allow this use as a home occupation, the rezone to A would become necessary. If rezoned to A, petitioner could run the business from her house, or from an accessory building on the lot, as long as the office for the business is still located in the house. Only one primary use building is permitted per lot. The actual grooming can occur in the home or in an additional structure. If petitioner wishes to build a stand-alone dog grooming shop separate from the house, the lot would have to be replatted into two lots.

Based on the 1965 zoning map for Wabash Township, the decision was made long ago that this area of the county should be zoned R1; this district permits a major residential subdivision if sewer and water are available. This area of the county is inside of the service area of Indiana American Water and American Suburban Utilities. Recommending downzoning to A from R1 when utilities are available is not staff's standard practice. Rezoning to A one parcel at a time creates spot zones which staff cannot support. Until a Wabash Township plan and rezone are complete, staff continues to believe that if an area of the county has available utilities it should retain its existing development zone.

**STAFF RECOMMENDATION:**

Denial